



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON REQUEST TO CONFIRM THE CONTINUED NEUTRALITY OF THE LOCAL NUMBER PORTABILITY ADMINISTRATOR

CC Docket No. 95-116
WC Docket Nos. 07-149, 09-109

Comment Date: February 7, 2022
Reply Comment Date: February 22, 2022

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on a request from iconectiv, LLC (iconectiv) to confirm that, post-close of a pending transaction in which subsidiaries of Telefonaktiebolaget LM Ericsson (Ericsson) will acquire Vonage Holdings Corp. (Vonage), iconectiv will continue to meet the Local Number Portability Administrator (LNPA) neutrality requirements.¹

As acknowledged in its Request, Vonage operates as, among other things, an interconnected Voice over Internet Protocol (VoIP) service provider (Vonage Consumer) in the United States.² Notwithstanding the planned acquisition, iconectiv argues that existing safeguards (current corporate governance structure, voting trust, and code of conduct) as well as certain other considerations, ensure that iconectiv will not be subject to undue influence by a party with a vested interest in number portability administration.³

Pursuant to section 1.41 and 1.51 of the Commission's rules, 47 CFR §§ 1.41, 1.51, interested parties may file comments on or before the date indicated.

¹ Letter from John Nakahata, Counsel for iconectiv, LLC, to Kris Monteith, Chief, Wireline Competition Bureau, FCC, WC Docket Nos. 95-116 et al. (filed Jan. 17, 2022), <https://www.fcc.gov/ecfs/filing/10118767624489> (Request). As explained in the iconectiv Request, Ericsson holds a majority beneficial ownership interest in iconectiv, with its shares being held in a voting trust. Request at 6. Section 251(e)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 251(e)(1), requires numbering administrators to be impartial and is implemented in section 52.12(a)(1) of the Commission's rules, 47 CFR § 52.12(a)(1). Although section 52.12 expressly applies only to the NANPA and the Billing and Collection Agent, the Commission has extended its neutrality requirements to other numbering administrators. *Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration* et al., Order, 30 FCC Rcd 3082, 3085, para. 7, 3151, para. 160 & n.562, 3157, para. 175 & n.607 (2015), *aff'd sub nom, Neustar Inc. v. FCC*, No. 15-1080 (D.C. Cir. 2017).

² iconectiv Request at 1, 2. iconectiv explains, however, that Vonage's revenues principally come from sources other than Vonage Consumer, and Vonage Consumer revenue is declining and is projected to continue to do so. *Id.* at 2.

³ *Id.* at 4-7.

Filing Requirements. All filings must refer to **CC Docket No. 95-116 and WC Docket Nos. 07-149, 09-109**. Comments may be filed using ECFS.⁴

- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.⁵

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Government Affairs Bureau at (202) 418-0530, (202) 418-0432 (tty).

Ex Parte Rules. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenters written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf).⁷ Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁵ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (Mar. 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

⁶ See 47 CFR §§ 1.1200 *et seq.*

⁷ *Id.* § 1.1206(b).

Contact Information. For further information, please contact Michael Nemcik, Competition Policy Division, Wireline Competition Bureau, at (202) 418-2343 or by email at Michael.Nemcik@fcc.gov.

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